

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ALEXIS AVILA GONZALES,) Case No.: 1:24-cv-1558 JLT BAM (PC)
Plaintiff,)
v.) ORDER ADOPTING IN FULL THE FINDINGS
J. DOERER, et al.,) AND RECOMMENDATIONS, DISMISSING THE
Defendants.) ACTION WITHOUT PREJUDICE, AND
) DIRECTING THE CLERK OF COURT TO CLOSE
) THE CASE
) (Doc. 6)
)

Alexis Avila Gonzales seeks to hold the defendants, including the Warden of United States Penitentiary Atwater and several employees at the penitentiary, liable for violations of his civil rights. The assigned magistrate judge found Plaintiff failed to obey the Court's order and failed to prosecute the action. (Doc. 6 at 1-2.) The magistrate judge found terminating sanctions are appropriate, after considering the factors identified by the Ninth Circuit in *Henderson v. Duncan*, 779 F.2d 1421, 1423 (9th Cir. 1986). (*Id.* at 2-3.) Thus, the magistrate judge recommended the Court dismiss the action without prejudice. (*Id.* at 4.)

The Court served the Findings and Recommendations on Plaintiff and notified him that any objections were due within 14 days. (Doc. 6 at 4.) The Court advised Plaintiff the "failure to file objections within the specified time may result in the waiver of the 'right to challenge the magistrate's factual findings' on appeal." (*Id.*, quoting *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014).) Plaintiff did not file objections, and the time to do so expired.

1 According to 28 U.S.C. § 636(b)(1), this Court performed a *de novo* review of this case.
2 Having carefully reviewed the matter, the Court concludes the Findings and Recommendations are
3 supported by the record and proper analysis. Thus, the Court **ORDERS**:

4 1. The Findings and Recommendations dated February 5, 2025 (Doc. 5) are **ADOPTED**
5 in full.

6 2. The action is **DISMISSED** without prejudice for Plaintiff's failure to prosecute and
7 failure to comply with the Court's order.

8 3. The Clerk of Court is directed to close this case.

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10 IT IS SO ORDERED.

11 Dated: March 4, 2025


UNITED STATES DISTRICT JUDGE

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